

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

CIVIL NO.: 12-cv-02039

Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO, et
al.,

Defendants.

INFORMATIVE MOTION AND REQUESTING EXTENSION OF TIME
TO COMPLY WITH ORDER OF THE COURT

MAY IT PLEASE THE COURT:

COME NOW, Codefendants Commonwealth of Puerto Rico and the Puerto Rico Police Bureau ("PRPB"), through the undersigned attorneys, and very respectfully state and pray:

1. On August 17, 2023, this Honorable Court issued Order at ECF. No. 2467 stating:

Accordingly, it is ORDERED that the United States, the Commonwealth, and the Monitor's Team shall meet and confer, under the direction and guidance of the Office of the Special Master, to prepare a plan specifically tailored to address the remaining action items needed to be accomplished in order for the PRPB to be in compliance with all the reform paragraphs, including the 56 paragraphs previously mentioned. This plan will be submitted to the Court no later than September 16, 2023.

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2. The Court had previously directed the parties at the January 14, 2022, status conference to develop plans to address significant barriers to compliance and to detail a path forward for several paragraphs of the Agreement. Mins. of Proceedings at 3-7, Dkt. 1945 (Jan. 14, 2022). Since that time, the Parties have developed, and the Court has approved, six implementation plans designed to improve the Commonwealth's performance, overcome barriers to compliance, and expedite reforms. See Order, EFC No. 2000 (Apr. 18, 2022) (approving stipulation for an information systems and technology needs assessment and action plan); Order, EFC No. 2002 (Apr. 18, 2022) (approving stipulation on staffing and supervision); Order, EFC No. 2183 (Sept. 23, 2022) (noting amended provisional use of force validation plan); Order, EFC No. 2348 (Mar. 30, 2023) (noting final training plan); Order, EFC No. 2484 (Sept. 6, 2023) (noting final of two new plans—searches and seizures, and investigations of domestic violence and sexual assaults—and revision of the staffing and supervision plan).¹ Two additional plans are currently under development. The vast majority of the action steps must be taken by Fiscal Year 2025 or sooner.

¹ Of the six implementation plans approved and noted by the Court, three are intended to address pervasive problems that have hindered nearly all areas of the Agreement related to the lack of supervisors, inadequate information systems, and inconsistent training.

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3. In compliance with the Order of the Court, the Office of the Special Master hosted two (2) virtual conferences to discuss the preparation of the plan ordered on August 17, 2023. The first conference was held on August 21, 2023, and the second one on September 5, 2023. In both conferences, among other pertinent matters regarding the plan, the parties, Monitor and Special Master had the opportunity to discuss the scope and structure of the plan to comply with the August 17 Order and the adequate time needed to prepare, review and submit it to the Court for approval. Through these discussions, the Office of the Special Master helped the Commonwealth develop an approach to the plan to ensure it satisfies this Court's objectives.²

4. Specifically, the Office of the Special Master confirmed to the parties that the correct scope of the plan was solely to address the sixty-two (62) paragraphs of the Consent Decree that, according to the Monitor's reports, are not even partially in compliance. Moreover, because the Commonwealth has already developed implementation plans to address many non-compliant paragraphs and submitted them to the Court, the Special Master agreed that the Commonwealth should incorporate those plans in its

² If this Court is unsatisfied with the approach set forth below, the Commonwealth is prepared to make any appropriate changes.

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submission.³ Further, where an implementation plan already provides the steps for achieving compliance with a particular paragraph, the Special Master confirmed that the Commonwealth need not alter the plan or its timeline. Instead, the Commonwealth will focus on adding steps to achieve compliance for the paragraphs that the implementation plans do not address.

5. The parties, Monitor and Special Master also agreed that the forthcoming submission would contain the following structure for each of those non-compliant paragraphs:

- (1) where applicable, identifying which implementation plan is designed to bring the paragraph into compliance; describing the specific tasks needed to achieve compliance; providing timelines for completing each task;
- (2) identifying the person in the Commonwealth who will take the lead on each task;
- (3) identifying the subject matter expert from the Monitor's team that will lead compliance assessments;
- (4) if needed, any additional comments from the parties, Monitor, and Special Master.

This plan will be drafted by the Commonwealth and shared with the United States, Monitor and Special Master for edits and further discussion before submitting a final version to the Court.

³ The six existing and two planned implementation plans already have or will provide detailed action steps, identify responsible persons, and set timelines for nearly three-quarters of the sixty-two (62) paragraphs rated by the Monitor as non-compliant in his last monitoring reports. These will be noted in the forthcoming submission.

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6. Both parties in the case, as well as Court Officers, agree that an extension of time until November 3, 2023 is necessary to comply with the Order of the Court. Therefore, the Commonwealth of Puerto Rico respectfully requests an extension until November 3, 2023, for the parties to file the plan. This will ensure the United States, the Monitor, and the Special Master all have an adequate opportunity to review and comment the document before filing. The Commonwealth has agreed to submit a first draft for revision on or before October 6, 2023.

7. The Commonwealth of Puerto Rico had the opportunity to communicate today with plaintiff, the United States, who agrees with the contents of this informative motion and does not object to the request for extension. The Commonwealth also contacted the Special Master and the Monitor, and both also agree with the contents of this motion.

WHEREFORE, Defendants Commonwealth of Puerto Rico and the Puerto Rico Police Bureau, respectfully request this Honorable Court to take notice of the above and grant the parties until November 3, 2023 to comply with its Order at ECF No. 2467 dated August 17, 2023.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF

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system which will send notification of such filing to all counsel of record.

In San Juan, Puerto Rico, this 14th day of September, 2023.

For Defendants COMMONWEALTH OF PUERTO RICO and PUERTO RICO POLICE BUREAU:

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